



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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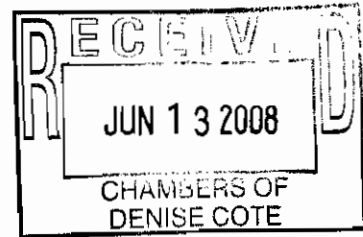
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June 12, 2008

**BY HAND**

The Honorable Denise L. Cote  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 1040  
New York, New York 10007

**MEMO ENDORSED**



Re: *NRDC v. EPA*, 08 Civ. 2443 (DLC)

Dear Judge Cote:

This Office represents the defendant in the above-referenced FOIA action, in which plaintiff moved for partial summary judgment on June 3, 2008. Defendant's response is currently due on June 20, 2008. I write respectfully to request that this deadline be extended by approximately two weeks, *i.e.*, until July 7, 2008. Due to the press of other litigation, I do not anticipate being able to complete defendant's opposition to plaintiff's motion by June 20, 2008. In addition, I have pre-scheduled family vacation plans for the week of June 23, 2008, and thus I will not be able to return to the motion until the following week. I have consulted with plaintiff's counsel, who consents to this request. This is defendant's first request for an extension in the case.

In light of this request, I also respectfully request that the Court adjourn the initial conference currently scheduled for July 11, 2008 to another date that is convenient for the Court. Plaintiff's counsel consents to the adjournment of the conference to any date except for the last week of July, 2008, during which he is unavailable.

*Granted. Conference is  
adjourned to August 1,  
2008, at 10<sup>00</sup> am.*

*Denise Cote  
June 17, 2008*

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I thank the Court for its consideration of this request.

Respectfully,

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York

By: 

SERRIN TURNER  
Assistant U.S. Attorney

cc: Thomas Cmar, Esq. (by email)